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CORNING INCORPORATED  
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CORNING NY 14831

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**OFFICE OF PETITIONS**

In re Application of :  
Moreno, et al. :  
Application No. 10/659,522 : ON PETITION  
Filed: September 9, 2003 :  
Attorney Docket No. SP02-197 :  
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 24, 2008, to revive the above-identified application.

The petition is GRANTED.

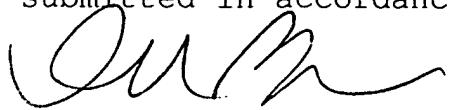
The application became abandoned June 8, 2007 for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 7, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed November 21, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied the required reply in the form of a Request for Continued Examination (including fee and submission); the required petition fee; and a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See, In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,050.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, petitioner is entitled to a refund of this fee. A refund has been requested from the Finance Office, Refund Section.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 3205.

This application is being referred to Technology Center AU 1797 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



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Petitions Attorney  
Office of Petitions